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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,824	05/03/2005	Maxime Allard	PAT-01122	4283
26922	7590	07/17/2007		
BASF CORPORATION Patent Department 1609 BIDDLE AVENUE MAIN BUILDING WYANDOTTE, MI 48192			EXAMINER MCCLENDON, SANZA L	
			ART UNIT 1711	PAPER NUMBER
			NOTIFICATION DATE 07/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/533,824

Applicant(s)

ALLARD ET AL.

Examiner

Sanza L. McClendon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/3/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
In claim 1, it is unclear if component (B) is a reaction product of an acidic ester of polyphosphoric acid and (b1) at least one compound containing a least one hydroxyl groups and at least one groups that can be activated with actinic radiation or if component (B) comprises two components, i.e., the acidic polyphosphoric acid and (b1). Clarification is requested.
In claim 1, it is unclear if component (C) is a reaction product of an acidic ester of monophosphoric acid and (c1) at least one compound containing a least one hydroxyl groups and at least one groups that can be activated with actinic radiation or if component (C) comprises two components, i.e., the acidic polyphosphoric acid and (c1). Clarification is requested.
In claim 1, it is unclear if component (A) is at least one compound selected from a low molecular weight actinic activated oligomer, a low molecular weight actinic activated polymer, an air-drying alkyd resin, or an oxidatively drying alkyd resin. Or if (A) is selected from a low molecular weight actinic activated oligomer with air-drying and oxidatively drying alkyl resin or a low molecular weight actinic activated polymer with air-drying and oxidatively drying alkyl resin.
Additionally, it is unclear is the air drying resin and oxidatively drying resin is one compound, i.e. one compound having air-drying functionality and oxidatively drying functionality in the same compound, or are they two separate compounds, i.e., one air-drying and one oxidatively drying.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 08-060048 to Tanaka et al sets forth a ink coating composition comprising a monophosphoric ester that is the reaction product of a hydroxyalkyl (meth) acrylate compound and phosphoric acid compound, a polyphosphoric ester that is the reaction product of a hydroxyalkyl (meth) acrylate compound and polyphosphoric acid compound, a pigment, a resin component that can be chosen from resins such as an long oil alkyd resin, an acrylic resin, or a polyurethane resin, and an curing agent for said resin, such as a photoinitiator or thermal catalyst. Additionally said coating can comprise fillers and adhesion-promoting

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agents for said pigments and/or fillers. It is additionally disclosed that water can be used as a solvent. When this is chosen it is believed a water-in-oil emulsion will form since the resin component would be considered the oil phase. The reference is silent with regard to the pH. Tanaka et al sets forth milling of the pigment and the phosphoric acid ester compounds and then adding then the to the coating vehicle. It is disclosed that said phosphoric esters help with the pigment dispersibility in the coating composition.


US 5,151,125 to Kuwajima et al sets forth an aqueous coating composition comprising an acrylic resin having phosphate groups and a pigment. Said coating can additionally comprise film-forming resins, such as alkyd resins and polyurethane resins and curing agents, as well as conventional additives. Kuwajima et al is silent with regard to the pH.

Please note that these references may be combined for a rejection once applicant clarifies the 112, 2nd paragraph issues above if deemed readable on the claimed subject matter.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sanza L. McClendon
Examiner
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6/7/07

SMc